

NEIFELD Docket No.: SIEM0015U/US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: Klaus Gradischnig

GROUP ART UNIT: 2141

SERIAL NO.: 09/673,905

EXAMINER: NGUYEN, QUANG N.

FILED: 10/23/00

CONFIRMATION NO. 7207

FOR: Signaling system in a signaling point

NEIFELD Docket No.: SIEM0015U/US

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

37 CFR 1.181/192 PETITION FOR MISCELLANEOUS RELIEF

I. RELIEF REQUESTED

The applicant requests that the petition for extension of time filed with the continuation of this application be applied to the period for response to the office action mailed 8/25/2005 in this application, to preserve copendency of the continuation application with this application.

II. MATERIAL FACTS

1. On 8/25/2005, the USPTO mailed a final office action in this application providing a 3 month period for response, extendable under 37 CFR 1.136(a). This application is assigned attorney docket number SIEM0015U/US.
2. On 2/13/2006, the applicant filed a continuation application. The continuation application was assigned attorney docket number SIEM0015U-USC1. The USPTO subsequently assigned the continuation application the following application number: 11/352,230. The continuation application was filed with a preliminary amendment to the specification indicating that it was a continuation of this application.
3. Included with the continuation application was a petition for an extension of time of 3 months to respond to the office action. The fees filed with the continuation application included the correct fees for the petition for extension of time.
4. However, the petition for extension of time erroneously identified the attorney docket number for the continuation application (SIEM0015U-USC1), and not this application. In addition, the petition for extension of time did not identify the application number for this application.
5. On 9/29/2006, examiner Nguyen left the undersigned a voice mail inquiring about the status of this application.
6. Examiner Nguyen's telephone call prompted the undersigned to review the file for this application which lead to the undersigned's recognition that the petition for an extension of time filed with the continuation application was improperly filed. Hence, this petition.
7. The applicant intended to preserve copendency of this application with the continuation application.

8. A \$400 fee for petition for questions not specifically provided for pursuant to 37 CFR 1.17(f) is being paid via credit card with the electronic filing of this petition.

III. REASONS WHY THE RELIEF REQUESTED SHOULD BE GRANTED

The foregoing facts showed that the applicant intended to extend the pendency of this application to preserve co-pendency with the continuation application, but that clerical errors resulted in a formally defective petition for extension of time. The facts also show that there is no other possibility other than the petition being for extension of time of this application. Such a formal defect is correctable by the director, and accordingly should be corrected.

Truly,

/s/Richard Neifeld#35,299/

Richard Neifeld
Reg. No: 35,299
Attorney of Record

RAN

Date/time code: September 29, 2006 (10:05am)

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